Office - Supreme Court, U.S.
FILED
APR 28 1984
ALEXANDER L. STEVAS
CLERK

IN THE SUPREME COURT OF THE UNITED STATES

NO. 9, ORIGINAL

UNITED STATES OF AMERICA, PLAINTIFF

VS.

STATES OF LOUISANA, TEXAS, MISSISSIPPI
ALABAMA AND FLORIDA, DEFENDANTS

(Mississippi and Alabama Boundary Cases)

Petition For Allowance
of Additional Compensation
to Special Master

On May 19, 1969, Petitioner was appointed Special Master in the above captioned case (395 U.S. 901, 23 L.Ed.2d 215, 89 S.Ct. 1737). That order provides:

> The Master shall be allowed his actual expenses and a reasonable compensation for his services to be approved hereafter by the Court.

On February 19, 1980 the motion of the State of Mississippi and the cross motion of the United States for the entry of a supplemental decree were referred to Petitioner as such Special Master (444 U.S. 1064, 62 L.Ed.2d 746 89 S.Ct. 1737), and on March 17, 1980 the same action was taken as to similar motions by the State of Alabama and the United States (445 U.S. 923 63 L.Ed.2d 755, 100 S.Ct. 1306). On April 28, 1980 a pre-hearing conference was held at which the Special Master initiated pre-hearing procedures. Additional pre-hearing conferences were held on June 8, 1981, December 14, 1981 and April 19, 1982. These resulted in some 74 documents, some voluminous, being filed with the Special Master prior to the hearing. (A docket reflecting the nature of all documents filed with the Special Master except exhibits is attached hereto) These included eleven depositions, which together with a twelfth filed during the hearing, totaled 1291 pages. In

12 pp

addition pre-hearing briefs totaling 96 pages were filed with the Special Master. On April 20, 1982 the Special Master participated in an over flight of the area in dispute.

Hearings began on June 14, 1982 and continued through June 18, were resumed on June 30 and continued through July 2, were then recessed until July 8 and 9 and concluded on July 26, a total of eleven days. The transcript of the evidence produced at the hearings occupies 2418 pages. More than 350 exhibits were filed as part of the record, some having numerous pages.

Subsequent to the hearing 10 additional documents were filed with the Special Master, including six additional briefs totaling 472 pages. On August 24, 1983 the case was argued at length to the Special Master, and thereafter four additional briefs were filed totaling 120 pages.

On February 10, 1984, the Special Master forwarded to counsel a draft of his proposed final report. Written comments were subsequently filed with him, and on March 6 a conference was made to consider these comments. On April 9, 1984, the Final Report was delivered to the Clerk of the Supreme Court.

Petitioner respectfully submits that reasonable compensation for these services is $100,000. On November 1, 1982 the Supreme Court approved an interim payment of $50,000.00 for services rendered to July 31, 1982 plus expenses incurred to that date, to be paid one-half by the United States and one-fourth each by the states of Alabama and Mississippi (copy of the order attached). These payments were subsequently made. On October 31, 1981 the Supreme Court approved an additional payment by the State of Mississippi of $12,500.00 (copy of order attached), which has also been made. Since July 31, 1982 the Special Master has incurred additional out-of-pocket

expenses of $2,071.76 (itemized statement attached) the major item being $1,546.30 for printing the Special Master's report.

Wherefore, Petitioner prays:

1. That the United States be authorized and directed to make an additional payment to the Special Master of $25,000.00 compensation and $1,035.88 for out-of-pocket expense.

2. That the State of Alabama be authorized and directed to make an additional payment to the Special Master of $12,500.00 compensation and $517.94 for out-of-pocket expense.

3. That the State of Mississippi be authorized and directed to make an additional payment to the Special Master of $517.94 for out-of-pocket expenses.

4. That the final allocation among the parties of all payments to the Special Master for compensation and out-of-pocket expenses await the conclusion of these proceedings, at which time any necessary adjustments can be made.

5. That the Special Master be relieved of any further duties and obligations under the references of February 19 and March 17, 1980, pending further orders of the Court.

Walter P. Armstrong, Jr.

WALTER P. ARMSTRONG, JR.
1900 One Commerce Square
Memphis, Tennessee 38103
Special Master

STATE OF TENNESSEE)
)
COUNTY OF SHELBY)

This 18th day of April, 1984, personally appeared before me, a Notary Public of and for the above county and state, at

office therein, Walter P. Armstrong, Jr., who, being first duly sworn, stated under oath that he executed the above petition in the capacity therein noted and that the facts stated therein are true, except those stated to be on information and belief, and those he verily believes to be true.

Daniel P. Joffe
NOTARY PUBLIC

My Commission Expires April 22, 1986

APPROVED AND CONSENTED TO:

FOR THE UNITED STATES:

4-18-84

FOR THE STATE OF ALABAMA:

Benjamin Cohen 4-18-84

FOR THE STATE OF MISSISSIPPI:

Jim R. Bruce 4-20-84

IN THE
SUPREME COURT OF THE UNITED STATES
NOVEMBER TERM, 1981

NO. 9 ORIGINAL

UNITED STATES OF AMERICA, PLAINTIFF

V.

STATES OF LOUISIANA, TEXAS,
MISSISSIPPI, ALABAMA AND FLORIDA

(MISSISSIPPI AND ALABAMA BOUNDARY CASES)

BEFORE THE SPECIAL MASTER

"DOCKET"

		FILED
1.	Joint Statement of Questions Presented and Contentions of the Parties	8-5-80
2.	Memorandum of Understanding With Respect to Pre-Hearing Procedures.	9-12-80
3.	First Set of Interrogatories to Mississippi and Alabama	9-23-80
4.	Request for Production of Documents to States of Mississippi and Alabama	9-23-80
5.	Dependant State of Alabama's First Request For Production of Documents.	9-25-80
6.	Dependant State of Alabama's First Request For Admissions to Plaintiff United States of America.	9-25-80
7.	First Interrogatories of Defendant State of Alabama to Plaintiff United States of America.	9-25-80
8.	The State of Mississippi's First Request For Production of Documents to United States of America.	9-29-80
9.	State of Mississippi's First Set of Interrogatories to United States of America.	9-29-80
10.	Correction to State of Mississippi's First Set of Interrogatories to the United States of America.	10-17-80
11.	The State of Mississippi's Second Request For Production of Documents to United States of America.	10-17-80
12.	State of Mississippi's Second Set of Interrogatories to United States of America.	10-17-80

13.	State of Alabama's Response to Plaintiff's First Set of Interrogatories.	12-15-80
14.	Response of the State of Mississippi to First Set of Interrogatories Propounded by the United States.	12-18-80
15.	United States' Answers to Mississippi's Second Set of Interrogatories and Request For Production.	12-29-80
16.	United States' Response to Alabama's First Request For Admissions.	12-29-80
17.	United States' Answers to Alabama's First Interrogatories and Request For Production.	12-29-80
18.	United States' Answers to Mississippi's First Set of Interrogatories and Request For Production.	12-29-80
19.	State of Alabama's Continuing Response To Plaintiff'f First Set of Interrogatories.	03-09-81
20.	United States' Supplemental Answers to Certain of Mississippi's Interrogatories and Request For Production.	03-12-81
21.	United States' Supplemental Answers To Alabama Interrogatories and Request For Production.	03-12-81
22.	Second Set of Interrogatories To Mississippi and Alabama.	03-12-81
23.	Second Interrogatories of Defendant State of Alabama To Plaintiff United States of America.	04-09-81
24.	Defendant State of Alabama's Second Request For Production of Documents.	04-09-81
25.	Defendant State of Alabama's Answers To Plaintiff's Second Set of Interrogatories To Mississippi and Alabama.	05-22-81
26.	State of Alabama's Second Continuing Response To Plaintiff's Interrogatories.	06-01-81
27.	United States' Second Supplemental Answers To Interrogatories Propounded by Mississippi and Alabama.	06-08-81
28.	Response of the State of Mississippi To the Second Set of Interrogatories Propounded by the United States.	06-08-81
29.	Deposition of Derek W. Bowett.	06-08-81
30.	Deposition of Hugh J. Dolan.	06-08-81
31.	Deposition of Lewis M. Alexander.	06-08-81

32.	United States' Third Interrogatories To Mississippi and Alabama.	07/21/81
33.	United States Answers to Second Interrogatories Propounded by State of Alabama and Responses to Accompanying Requests for Production.	10/13/81
34.	Mississippi and Alabama's Response to United States' Third Interrogatories.	11/25/81
35.	Alabama and Mississippi's First Joint Interrogatories to the United States.	11/30/81
36.	Pretrial Statement of Defendants.	12/10/81
37.	Order.	12/31/81
38.	Alabama Exhibit List	02/18/82
39.	Alabama Witness List	02/18/82
40.	United States' Response to Third Interrogatories of Defendant State of Alabama.	03/29/82
41.	United States' Response to Alabama and Mississippi's First Joint Interrogatories	03/29/82
42.	Deposition of Dr. Ervin G. Otvos	03/29/82
43.	Deposition of Patricia Kay Galloway, Ph.D.	03/29/82
44.	State of Alabama's First Motion for Order Compelling Production of Documents.	04/01/82
45.	State of Alabama's Final Interrogatories to Plaintiff.	04/05/82
46.	Mississippi's First Request for Admissions to the United States	04/05/82
47.	Mississippi's Final Request for Production to the United States	04/05/82
48.	Mississippi's Final Interrogatories to the United States	04/05/82
49.	Pretrial Brief of the State of Alabama	04/14/82
50.	Pretrial Brief for the State of Mississippi	04/14/82
51.	Stipulation No. 1	04/19/82
52.	Stipulation No. 2	04/19/82
53.	Stipulation No. 3	04/19/82
54.	United States'Pretrial Memorandum	04/20/82
55.	Motion to Withdraw Motion to Compel Discovery	05/10/82
56.	Alabama's Final Witness List	05/12/82
57.	Deposition of Dr. Jack D.L. Holmes	05/17/82
58.	United States' Response to Alabama's Final Interrogatories	05/19/82
59.	United States' Response to Mississippi's Final Interrogatories	05/19/82
60.	United States' Response to Mississippi's First Requests for Admissions to the United States	05/19/82

		FILED
61.	Deposition of Louis DeVorsey, Jr.	05/25/82
62.	Deposition of Robert R. Rea, Ph.D.	06/01/82
63.	Stipulation No. 4	06/01/82
64.	Stipulation No. 5	06/01/82
65.	Deposition of George Marion Lamb, Ph.D.	06/11/82
66.	Deposition of Judy Stout, Ph.D. .	06/11/82
67.	Deposition of William W. Schroeder, Ph.D.	06/11/82
68.	Supplemental Answer to Mississippi Interrogatory	06/14/82
69.	Stipulation No. 6	06/14/82
70.	Stipulation No. 8	06/14/82
71.	Pretrial Order	06/14/82
72.	Stipulation No. 9	06/16/82
73.	Protective Order	06/17/82
74.	Exhibit List of Documents Introduced by the State of Alabama during Hearings on June 14 to 18, 1982	06/18/82
75.	Deposition of W. Michael Reisman	07/12/82
76.	Supplemental Answer to Mississippi's Final Interrogatories	07/21/82
77.	Stipulation No. 7	07/26/82
78.	Joint Exhibits of the Parties	09/02/82
79.	Order	11/08/82
80.	Transcript of Evidence (10 Volumes)	11/29/82
81.	Order Revising Post-Trial Schedule	05/19/83
82.	Brief for the State of Mississippi in Support of Motion for Supplemental Decree	06/07/83
83.	Post-Trial Brief of the State of Alabama	06/07/83
84.	United States' Opening Post-Trial Memorandum	06/08/83
85.	Reply-Post-Trial Brief of the State of Alabama	07/21/83
86.	Reply Brief for the State of Mississippi	07/25/83
87.	Post-Trial Reply Brief for the United States	07/25/83
88.	United States' Proposed Findings of Fact and Conclusions of Law	08/24/83
89.	State of Mississippi's Proposed Findings of Fact and Conclusions of Law	08/24/83
90.	State of Alabama's Proposed Findings of Fact and Conclusions of Law	08/24/83

		FILED
91.	Preliminary Post-Argument Memorandum of United States	09/01/83
92.	United States' Final Post-Argument Memorandum	10/03/83
93.	Post-Hearing Brief for the State of Mississippi	10/03/83
94.	Post-Argument Brief of the State of Alabama	10/03/83
95.	United States' Comments on Draft Report	02/28/84
96.	Alabama's Reply to U. S. Comments on Draft Report	03/05/84
97.	Comments and Responses of the State of Mississippi	03/06/84
98.	Report of the Special Master	04/09/84

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C. 20543

November 1, 1982

Walter P. Armstrong, Jr., Esq.
Special Master
1900 One Commerce Square
Memphis, Tennessee 38103

RE: United States v. Louisiana, et al.
No. 9, Original

Dear Mr. Armstrong:

The Court today entered the following order in the above-entitled case:

"The petition of the Special Master, Walter P. Armstrong, Jr., for allowance of interim compensation and expenses, as set forth in the petition filed October 18, 1982, is granted, and it is ordered that the United States bear one half the costs and the States of Mississippi and Alabama each bear one quarter the costs. Justice Marshall took no part in the consideration or decision of this petition."

Very truly yours,

ALEXANDER L. STEVAS, Clerk

By Francis J. Lorson

Francis J. Lorson
Chief Deputy Clerk

rjb
cc: The Honorable Rex E. Lee
Benjamin Cohen, Esq.
James R. Bruce, Esq.

OFFICE OF THE CLERK
SUPREME COURT OF THE UNITED STATES
WASHINGTON, D. C. 20543

October 31, 1983

Walter P. Armstrong, Jr., Esq.
Special Master
19th Floor Commerce Tower
One Commerce Square
Memphis, Tennessee 39103

RE: United States v. Louisiana, et al.
(Mississippi boundary case)
No. 9 Original

Dear Mr. Armstrong:

The Court today entered the following order in the above-entitled case:

"The motion of [redacted] Special Master for additional partial payment by Mississippi for services is granted and the Court approves payment of $12,500.00. Justice Marshall took no part in the consideration or decision of this motion."

Very truly yours,

ALEXANDER L. STEVAS, Clerk

By Francis J. Lorson

Francis J. Lorson
Chief Deputy Clerk

Enc.
cc(letter only): Honorable William Allain
(w/certified copy of order): Jim R. Bruce, Esq.

4/17/84 BILLING INFORMATION MEMO PAGE 1
LB530

U0003 U.S. SUPREME COURT-SPEC MSTR
80891 STATE OF MISSISSIPPI V.

BILL CONTROL# 59665
THROUGH DATE 4/16/84
REQUEST IND. ARMSTRONG, WALTER P.
BILLING ATTY ARMSTRONG, WALTER P.

DISBURSEMENTS

D A T E	CODE	DESCRIPTION OF SERVICE	SEQ	DISB AMOUNT	DISB WRITE-OFF
7/23/82	01	PHOTOCOPIES WPA/33	A	6.60	/ /
11/18/82	01	PHOTOCOPIES WPA/178	A	35.60	/ /
3/20/84	01	PHOTOCOPIES WPA/225	A	45.00	/ /
4/04/84	01	PHOTOCOPIES WPA/24	A	4.80	/ /
4/10/84	01	PHOTOCOPIES WPA/25	A	5.00	/ /
4/10/84	01	PHOTOCOPIES WPA/4	B	.80	/ /
2/27/80	02	LD CALL WPA/B.FARKER	A	4.56	/ /
2/05/82	02	LD CALL WPA/DONALD CARR	A	4.24	/ /
2/08/82	02	LD CALL WPA/DONALD CARR	A	4.24	/ /
2/08/82	02	LD CALL WPA/DONALD CARR	B	4.24	/ /
11/05/82	02	LD CALL WPA/BENJ. COHN	A	3.94	/ /
2/25/83	02	LD CALL WPA/BENJAMIN COHEN	A	4.37	/ /
6/13/83	02	LD CALL WPA/MR. CARR	A	3.98	/ /
6/13/83	02	LD CALL WPA/MR. CARR	B	5.40	/ /
9/22/83	02	LD CALL WPA/RONALD CARR	A	4.93	/ /
9/19/83	02	LD CALL WPA/WASHINGTON,DC	A	3.33	/ /
1/09/84	02	LD CALL WPA/BENJAMIN COHEN	A	4.37	/ /
3/19/84	02	LD CALL WPA/JIM BRUCE	A	4.74	/ /
3/22/84	02	LD CALL WPA/LOROSON	A	4.46	/ /
3/22/84	02	LD CALL WPA/KANSAS CITY, MO	B	6.97	/ /
3/23/84	02	LD CALL WPA/MR. BEAVER	A	6.26	/ /
3/26/84	02	LD CALL WPA/BENJAMIN COHEN	A	4.80	/ /
3/27/84	02	LD CALL WPA/DONALD CARR	A	3.98	/ /
3/27/84	02	LD CALL WPA/JIM BRUCE	B	3.93	/ /
3/27/84	02	LD CALL WPA/BEN COHEN	C	3.94	/ /
3/27/84	02	LD CALL WPA/BEN COHEN'S SEC.	D	3.94	/ /
4/02/84	02	LD CALL WPA/KANSAS CITY	A	2.82	/ /
7/23/82	07	AIR EXPRESS WPA/FEDERAL EXPRESS/94130	A	34.10	/ /
9/16/82	08	POSTAGE WPA/	A	2.13	/ /
7/10/81	25	MISC- WPA/FOOD AT PET.CLUB 89492	A	33.47	/ /
5/21/82	25	MISC- WPA/AIR FARE-BILOXI	A	250.00	/ /
8/23/83	25	MISC- WPA/RENTAL ON PODIUM/99427	A	14.42	/ /
4/12/84	25	MISC- WPA/E. L. MENDENHALL/102727	A	1546.30	/ /
		DISB TOTAL		2071.76	